

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on April 7, 2011 at 8:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Jeff Essmann (R)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Lynda Moss (D)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 175, 3/28/2011; HB 193, 3/28/2011; HB 534, 3/28/2011  
Executive Action: SB 336-Tabled, HB 534-Tabled, HB 638-Be Concurred In As Amended, HB 492-Be Concurred In, HB 518-Be Concurred In

**HEARING ON HB 534**

**Opening Statement by Sponsor:**

(This bill was heard yesterday, 4/6/11, per sponsor's request. Due to the short notice of the hearing yesterday, HB 534 remained on the schedule for today for any additional testimony)

00:03:21 Rep. David Howard (R), HD 60, opened the hearing on HB 534, Require proof of citizenship to receive state services.

**Proponents' Testimony:**

00:04:11 Roger Hagan, The American Legion of Montana

**Opponents' Testimony:**

00:05:13 Hank Hudson, Department of Public Health and Human Services (DPHHS)  
00:05:21 Beth Brenneman, Disability Rights Montana (DRM)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:06:00 Rep. David Howard

**HEARING ON HB 175**

**Opening Statement by Sponsor:**

00:06:25 Rep. Keith Regier (R), HD 5, opened the hearing on HB 175, Submit repeal of Montana Medical Marijuana Act to voters of Montana.

**Proponents' Testimony:**

00:10:18 Tom Daubert, Patients and Families United (PFU)  
00:11:31 Jeff Laszloffy, Montana Family Foundation (MFF)  
00:12:14 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)  
00:12:57 James Kingery, Montana Medical Growers Association (MMGA)  
00:14:10 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:16:04 Rep. Regier

**HEARING ON SB 193**

**Opening Statement by Sponsor:**

00:16:52 Sen. Gene Vuckovich (D), SD 43, opened the hearing on SB 193, Revise laws related to medical marijuana.

**Proponents' Testimony:**

00:21:48 Kate Cholewa, Alliance for Cannabis Science (ACS)  
00:22:37 Nancy Adkins, self  
00:23:20 Mort Reid, self  
00:24:46 Tom Daubert, Patients and Families United (PFU)  
00:25:10 James Kingery, Montana Medical Growers Association (MMGA)  
00:27:10 James Haney, self

**Opponents' Testimony:**

00:27:31 Candace Payne, Rimrock Foundation  
00:28:21 Jeff Laszloffy, Montana Family Foundation (MFF)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:30:32 Sen. Vuckovich

00:32:09 Chairman Murphy

00:32:41 Recess

01:05:30 Resumed

(Sen. Jent, Sen. Larsen, Sen. Peterson and Sen. Shockley absent from the room)

**EXECUTIVE ACTION ON SB 336**

01:06:10 **Motion/Vote:** Sen. Hinkle moved that **SB 336 BE TABLED**. Motion carried 9-3 by roll call vote with Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Peterson and Sen. Shockley voted by proxy.

**EXECUTIVE ACTION ON HB 534**

01:07:53 **Motion:** Sen. Hinkle moved that **HB 534 BE CONCURRED IN**.

**Discussion:**

01:08:04 Sen. Hutton

(Sen. Shockley and Sen. Jent returned to room)

01:08:37 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Peterson, Sen. Shockley and Sen. Vincent voting aye. Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Peterson voted by proxy. Without Objection, motion carried to **REVERSE THE VOTE AND TABLE**.

**EXECUTIVE ACTION ON HB 638**

01:09:55 **Motion:** Sen. Hinkle moved that **HB 638 BE CONCURRED IN**.

**Discussion:**

01:10:18 Ms. Lane

01:11:53 **Motion/Vote:** Sen. Hinkle moved that **HB 638 BE AMENDED**. Motion carried unanimously by roll call vote. Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Peterson voted by proxy.

**EXHIBIT(jus78a01)**

01:12:45 **Motion:** Sen. Hinkle moved that **HB 638 BE CONCURRED IN AS AMENDED**.

**Discussion:**

01:12:54 Sen. Moss  
 01:13:25 Sen. Jent  
 01:15:09 Sen. Shockley  
 01:15:43 Sen. Moss  
 01:16:06 Ms. Lane  
 01:16:18 Sen. Moss  
 01:16:33 Ms. Lane

01:17:32 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Peterson voted by proxy. Sen. Shockley will carry the bill.

**EXECUTIVE ACTION ON HB 492**

01:18:11 **Motion:** Sen. Hinkle moved that **HB 492 BE CONCURRED IN.**

**Discussion:**

01:18:30 Sen. Moss  
 01:19:06 Sen. Shockley  
 01:19:32 Sen. Hinkle  
 01:20:10 Sen. Shockley

01:20:34 **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting no. Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Peterson voted by proxy. Sen. Shockley will carry the bill.

**EXECUTIVE ACTION ON HB 518**

01:21:46 **Motion:** Sen. Moss moved that **HB 518 BE CONCURRED IN.**

**Discussion:**

01:21:57 Sen. Hutton  
 01:22:14 Sen. Moss  
 01:22:40 Sen. Shockley

01:22:50 **Vote:** Motion carried unanimously by roll call vote. Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Peterson voted by proxy. Sen. Moss will carry the bill.

01:23:47 Chairman Murphy

**ADJOURNMENT**

Adjournment: 9:35 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus78aad.pdf](#))**